

**BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
JEFFERSON CITY, MISSOURI**

In the Matter of: **Objections to Annual Wage Order No. 12, Adair, Audrain and Boone
Counties, Missouri**

FILED

On Behalf of: **Thermaltech, Inc.**

MAR 31 2005

**LABOR AND INDUSTRIAL
RELATIONS COMMISSION**

OBJECTIONS TO ANNUAL WAGE ORDER NO. 12

COMES NOW Thermaltech, Inc. ("Objector"), by counsel and files the following objection to Annual Wage Order No. 12 for Adair, Audrain and Boone Counties, Missouri. As grounds for its objection, Objector states the following:

1. Objector is a corporation duly organized and existing under the laws of the State of Missouri, and is qualified to do business in the State of Missouri, and is an affected party within the meaning of Missouri Revised Statutes § 290.262 (Supp. 1994).

2. Objector has bid on and secured contracts for the construction of public works, throughout the State of Missouri, including Adair, Audrain and Boone Counties. Objector fully intends to bid on such work in the future.

3. Objector has reason to believe the information submitted on the Contractor's Report of Construction Wage Rates forms for Adair, Audrain and Boone Counties is inaccurate and unreliable. Objector contends the information utilized by the Missouri Division of Labor Standards ("Division"), in establishing the recommended Annual Wage Order No. 12 for the above-named counties, was inaccurate and unreliable. As such, the rate established for Asbestos Workers in the above-referenced Wage Order does not reflect the actual number of hours worked or the wage actually paid to Asbestos Workers in those localities, as required under the

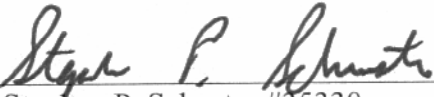
Prevailing Wages on Public Works Act, Mo. Rev. Stat. § 290.210-290.340. *See Central Missouri Plumbing Co.*

4. Objector has reason to believe the Division relied on information submitted on Contractor's Report of Construction Wage Rates forms for Adair, Audrain and Boone counties which reflected hours actually worked and actual wages paid for construction work performed in a county other than the county reflected on the Contractor's Reports. As such, the rate established for Asbestos Workers in the above-referenced wage orders does not reflect the actual number of hours worked or the wage actually paid to Asbestos Workers in those localities, as required under the Prevailing Wages on Public Works Act, Mo. Rev. Stat. § 290.210-290.340. *See Central Missouri Plumbing Co.*

WHEREFORE, Objector Thermaltech, Inc. respectfully requests the Department of Labor and Industrial Relations to conduct a hearing before the Labor and Industrial Relations Commission for the purpose of determining the actual hourly rate of wages paid to Asbestos Workers performing work on projects in Adair, Audrain and Boone counties. Objector further requests that the Department and/or the Commission direct the Division of Labor Standards to make necessary amendments, revisions or corrections to the prevailing hourly wage set for Asbestos Workers in Adair, Audrain and Boone counties as warranted by the findings of the Commission on this objection. Objector further requests the Commission to order such further and other relief that it deems appropriate under the circumstances.

Respectfully submitted,

CONSTANGY BROOKS & SMITH, LLC

By 

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CERTIFICATE OF SERVICE

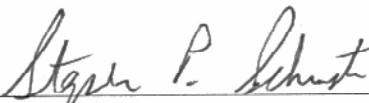
I hereby certify that on this 31st day of March, 2005, an original and two (2) copies of the foregoing were sent via Federal Express to be filed with Pamela M. Hofmann, Secretary to Commission, Labor and Industrial Relations Commission, 3315 West Truman Boulevard, P.O. Box 599, Jefferson City, Missouri 65102-0599; and a copy sent via Federal Express to the following:

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